

Serial No. 09/589,510
Group Art Unit: 1638

REMARKS

Entry of the amendment after final and reconsideration of the present application is respectfully requested. Claims 1, 3-9, 15-17, 19-27 and 29-31 are pending. Claims 2, 10-14, 18, and 28 have been cancelled. Applicants reserve the right to pursue the contents of these claims in continuing applications. Claims 1, 4, 5, 9, 16, 17, 21, 23, and 27 have been amended. Claims 1 and 17 have been amended and are now equivalent to cancelled claims 14 and 18. Claims 4, 5, 21, and 23 have been amended to recite "the polynucleotide" instead of "the recombinant expression cassette", and further amended to correct claim dependencies in light of this amendment. Claims 9 and 27 have been amended to explicitly recite "wherein the seed comprises the polynucleotide", which was inherent in the original claims. Claim 16 has been amended to recite a "full length polynucleotide comprising at least 100 contiguous nucleotides of SEQ ID NO: 3, wherein the polynucleotide encodes a polypeptide with RuvB activity". New claims 29-31 have been added. These claims represent original claims 10-13 which were cancelled in response to the Restriction Requirement. These claims are represented in order to facilitate the option of rejoinder. Support for the amendments is found in the claims as originally filed, and throughout the specification. No new matter has been added.

Rejections under 35 U.S.C. §112, 1st Paragraph, Enablement:

Claims 1, 3-9, 17 and 20-28 are rejected under 35 U.S.C. §112, first paragraph, because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims.

The action asserts that the specification is not enabling for any isolated nucleic acid having at least 90% identity to SEQ ID NO: 3, but indicates that the sequences of claims 14-15 and 18-19, which encompass nucleic acid sequences

Serial No. 09/589,510
Group Art Unit: 1638

having 95% identity to SEQ ID NO:3, or encoding polypeptides with 95% identity to SEQ ID NO: 4 are allowable.

Applicants respectfully disagree that the specification is not enabling for any nucleic acid having 90% identity to SEQ ID NO: 3, or that encodes a polypeptide having 90% identity to SEQ ID NO: 4. However, in order to expedite prosecution and to allow entry of the amendment after final, claims 1 and 17 have been amended to recite the language of claims 14 and 18 respectfully, and now claim sequences having 95% identity. Therefore claims 14 and 18 have been cancelled. Claim 16 has been amended to recite a full-length polynucleotide comprising at least 100 contiguous nucleotides of SEQ ID NO: 3, wherein the polynucleotide encodes a polypeptide with RuvB activity, this amendment is discussed more fully below. Claim 28 has been cancelled to expedite prosecution.

As indicated by the action, claims to nucleic acid sequences having 95% sequence identity to SEQ ID NO: 3, or encoding a polypeptide having 95% sequence identity to SEQ ID NO: 4, and wherein the encoded polypeptides have RuvB activity are allowable. The current amendment therefore obviates the rejection of claims 1, 3-9, 17 and 20-28 under 35 U.S.C. §112, first paragraph, enablement. Applicants respectfully request entry of the amendment after final, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, enablement, and allowance of the current claims.

Rejections under 35 U.S.C. §112, 1st Paragraph, Written Description:

The rejection of claims 16 and 28 under 35 U.S.C. §112, first paragraph, as containing subject matter not sufficiently described in the specification to indicate the inventor(s) had possession of the invention is maintained in the current action.

Claim 16 has been amended to recite an isolated full length polynucleotide comprising at least 100 contiguous nucleotides of SEQ ID NO: 3, wherein the polynucleotide encodes a polypeptide having RuvB activity. Support for this

Serial No. 09/589,510
Group Art Unit: 1638

amendment is found in the claims and specification as filed. For example see page 8, lines 4-12, page 11, lines 15-21, page 29, lines 4-14, and page 31, lines 11-26.

Applicants believe the disclosure of SEQ ID NO: 3 sufficiently describes polynucleotides comprising at least 100 contiguous nucleotides of SEQ ID NO: 3, in order to show possession of the invention. Further, the claims recite the functional parameter that the full length polynucleotides encode polypeptides having RuvB activity. These structural and functional parameters sufficiently describe and indicate possession of the polynucleotides as claimed.

Serial No. 09/589,510
Group Art Unit: 1638

CONCLUSION

In light of the foregoing remarks and amendments, it is believed that pending claims 1, 3-9, 15-17, 19-27, and 29-31 are in condition for allowance. Therefore entry of the amendment, withdrawal of the outstanding rejections, and allowance of all of the remaining claims is respectfully requested. The rejoinder of method claims 29-31 is also respectfully requested. The Examiner is invited to telephone the Applicant if this would expedite the prosecution and allowance of the instant application.

Respectfully submitted,



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